

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION

DEWARD A. BOGAN, )  
 )  
Plaintiff, )  
 )  
vs. ) Case No. 16-4252-CV-C-NKL-P  
 )  
OFFICER CLIFTON, et al., )  
 )  
Defendants. )

**ORDER DISMISSING CASE**

This is a civil rights case filed pursuant to 42 U.S.C. § 1983. Plaintiff's claims stem from his incarceration at the Algoa Correctional Center (ACC) in Jefferson City, Missouri. Plaintiff is suing two ACC officials: Correctional Officer Clifton and Warden Scott A. Lawrence. Plaintiff states his primary claim as follows: "Clifton . . . revealed to another female visitor of mine my marital status which has now created a domestic situation for myself, my wife, and the other female visitor." Doc. 7, p. 4 (amended complaint). Plaintiff seeks total damages of \$4 million and other relief. *Id.* at 3, 6.

Plaintiff claims that Clifton's revelation violated both state and federal law, the latter being the Equal Protection Clause of the United States Constitution, which is the threshold concern for this

Court. The Court fails to see how Clifton's alleged action may have violated federal law, especially because Plaintiff's marital status is information available to the public. Absent some federal-law violation, the question of whether Clifton violated a state statute, regulation, or policy is a question that must be resolved in state court. See 28 U.S.C. § 1367(c)(3) (court may decline to exercise supplemental jurisdiction over pendent state-law claims if it has dismissed all claims over which it had original jurisdiction).

For the reasons explained above, this case is dismissed pursuant to 28 U.S.C. § 1915A(b)(1) for Plaintiff's failure to state a claim upon which relief may be granted. Dismissal is without prejudice to any action that Plaintiff may pursue in state court. Finally, Plaintiff is cautioned that federal law "makes prisoners responsible for appellate filing fees of \$505.00] the moment the prisoner . . . files an appeal." *Henderson v. Norris*, 129 F.3d 481, 483 (8th Cir. 1997) (citation and quotation marks omitted).

So **ORDERED**.

/s/ Nanette K. Laughrey  
NANETTE K. LAUGHREY  
UNITED STATES DISTRICT JUDGE

Jefferson City, Missouri,

Dated: December 9, 2016.